

DOCKET NO.: MSFT-0108/127334.8
Application No.: 09/482,932
Office Action Dated: July 30, 2003

**PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116**

REMARKS/ARGUMENTS

The foregoing Amendment and the following Remarks are submitted in response to the Final Office Action issued on July 30, 2003 (Paper No. 8) in connection with the above-identified patent application, and are being filed within the three-month shortened statutory period set for a response by the Office Action.

Claims 106-115, 117-119, 122-138, 140-142, 145-158, 162, and 163 are pending in the present application, and stand rejected. Independent claims 106, 129, and 152 have been amended to include the subject matter of dependent claims 116, 120, and 121; 139, 143, and 144; and 159-161, respectively, and certain dependent claims have been amended to adjust dependencies.

Applicants respectfully request that the present Amendment After Final be entered since the Amendment adds no new matter to the Application, adds no new claims, raises no new issues, does not require further searching by the Examiner, addresses the issues raised by the Examiner, and places the Application in condition for allowance or in better form for an appeal. Applicants also respectfully submit that the present Amendment after Final is necessary to place the Application in condition for allowance, and was not earlier presented due to a failure on the part of the undersigned to appreciate the need for such Amendment until receipt of the Final Office Action.

The Examiner has rejected claims 106-109 under 35 USC § 103(a) as being obvious over Stefik (U.S. Patent No. 5,715,403). In addition, the Examiner appears to reject similar claims from the claim set headed by independent claim 129 ('the 129 claim set') and similar claims from the claim set headed by independent claim 152 ('the 152 claim set'). Applicants respectfully traverse this first § 103(a) rejection.

Independent claim 106 recites a digital rights management (DRM) system operating on a computing device when a user requests that a protected piece of digital content be rendered by the computer device in a particular manner. In the system, a license store stores one or more digital licenses on the computing device. A license evaluator determines whether any licenses stored in the license store correspond to the requested digital content, determines whether any such corresponding licenses are valid, reviews license rules in each such valid license, and determines based on such reviewed license rules whether such license enables the requesting user to render the requested digital content in the manner sought. Finally, a state store maintains state information corresponding to each license in the license store. The state information is created and updated by the license evaluator as necessary.

In addition, claim 106 now recites a black box that performs encryption and decryption functions as part of the evaluation of any license. In claim 106, the license evaluator selects an enabling, valid license and works with the black box to obtain a decryption key (KD) from the selected license, and the black box employs such decryption key (KD) to decrypt the protected digital content. In particular, the black box decrypts the protected digital content when the license evaluator determines that a license in fact enables the requesting user to render the requested digital content in the manner sought.

Independent claim 129 recites subject matter similar to that in independent claim 106, but in the form of a computer with the DRM system operating thereon. Independent claim 152 also recites subject matter similar to that in independent claim 106, but in the form of a computer-readable medium with computer-executable instructions thereon for performing a method.

As was previously pointed out, the Stefik reference discloses a system for controlling use and distribution of digital works. The system is exemplified by multiple repositories wherein the digital works are stored and accessed from such repositories, and are transferred only between such repositories. Each repository is a trusted system and can operate in a requestor mode for requesting a digital work from another repository and a server mode for responding to a request from another repository. Importantly, and as disclosed beginning at column 9, line 20, usage rights (i.e., a license with license terms) are attached to digital works in the Stefik system, and both the work and its attached license are transmitted from a serving repository (at a content provider, e.g.) to a requesting repository (at a client, e.g.). See also Fig. 1 and column 7, lines 16-48. Accordingly, the Stefik reference does not disclose or suggest a license store for storing one or more licenses on a Stefik computing device, as is required by claims 106, 129, and 152, inasmuch as a Stefik license is attached to each Stefik digital work. Put another way, because each Stefik work has a license attached thereto, there is no need in the Stefik system for a license store that would store such license.

Moreover, since no license store is present in the Stefik system, the Stefik reference does not disclose or suggest a license evaluator that determines whether any licenses stored in such a license store correspond to requested digital content, as is required by claims 106, 129, and 152. Also, since in the Stefik system a work is accessed only in accordance with the terms of the attached license, the Stefik reference does not disclose or suggest that such a license evaluator should or could determine from among multiple licenses in a license store whether any of such multiple licenses correspond to the requested digital content, as is also required by claims 106, 129, and 152.

Further, and as explained in the Stefik reference at Column 10, line 35 –Column 11, line 25, the attached Stefik license is embodied as a rights portion 704, where each right includes a right code field 1001 and a status information field 1002 that contains information relating to a state of the right. As shown in referenced Table 1, such state may be described based on information including a time until expiration, a copy count, etc. Significantly, because the state information for each Stefik work / license is maintained with such work / license, such state information is not separate from such work / license and therefore is not available to be stored in any state store, as is required by claims 106, 129, and 152. Accordingly, the Stefik reference does not disclose or suggest a state store for maintaining state information corresponding to each license in any license store, as is required by claims 106, 129, and 152. Put another way, because each Stefik work has state information attached thereto, there is no need in the Stefik system for a state store that would store such state information.

At any rate, the Stefik reference does not disclose a black box that performs encryption and decryption functions as part of the evaluation of any license, where the license evaluator selects an enabling, valid license and works with the black box to obtain a decryption key (KD) from the selected license, and the black box employs such decryption key (KD) to decrypt the protected digital content, all as required by claims 106, 129, and 152. Also, the Stefik reference does not disclose that such a black box decrypts the protected digital content when the license evaluator determines that a license in fact enables the requesting user to render the requested digital content in the manner sought, as is also required by claims 106, 129, and 152.

Thus, Applicants respectfully submit that the Stefik reference does not make obvious independent claims 106, 129, or 152, or any claims depending therefrom. Instead, Applicants respectfully submit that such claims are not in fact obvious in view of the cited references, and accordingly, Applicants respectfully request reconsideration and withdrawal of the first § 103(a) rejection.

The Examiner has also rejected claims 110-112 under 35 USC § 103(a) as being obvious over the Stefik reference in view of Krishnan (U.S. Patent No. 6,073,124); claims 113-115 under 35 USC § 103(a) as being obvious over the Stefik reference in view of the Krishnan reference and further in view of Ginter (U.S. Patent No. 5,892,900); and claims 117-119 and 122-128 under 35 USC § 103(a) as being obvious over the Stefik reference in view of the Krishnan reference and further in view of the Ginter reference. In addition, the Examiner appears to reject similar claims from the 129 and 152 claim sets. Applicants respectfully traverse these additional § 103(a) rejections.

Applicants respectfully submit that since independent claims 106, 129, and 152 are unanticipated and have been shown to be non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, including the aforementioned claims, at least by their dependency. Accordingly, Applicants respectfully request reconsideration and withdrawal of the additional § 103(a) rejections.

Applicants note that the Examiner at item 8 on pages 14 and 15 ambiguously states that the claimed limitations are 'very broad' and are therefore 'recognized to be included as software components of a digital rights management system'. Applicants respectfully disagree, and respectfully submit that such blanket statements cannot satisfy the requirement that the Examiner make a prima facie case of obviousness under Section 103(a). In

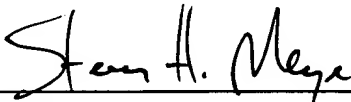
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particular, Applicants respectfully point out that such blanket statements amount to a blanket rejection of the claims without providing any specific details. Moreover, such blanket statements do not at all provide any indication of why the cited references should or could be combined to produce the invention recited in the claims.

In view of the foregoing discussion, Applicants respectfully submit that the present application is in condition for allowance, and such action is respectfully requested.

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